

## HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

2. The petitioner admits that he is the sole owner of the land in question and that he does not use it for residential or commercial purposes. He represents that the land has no road frontage and that he has no easement through

any adjoining property that allows road access. He further represents that it is currently appraised by the town at \$19,000 and that he pays property taxes of about \$400 a year on it.

3. The petitioner admits that he has never attempted to sell the land. He argues that the land should not be considered an available resource to him because a "statute" prevents him from selling it. At the hearing, held on May 16, 2002, the petitioner was allowed additional time to submit any legal reference and argument supporting his assertion that he is prevented from selling the land. To date, he has not submitted anything further.

ORDER

The Department's decision is affirmed.

REASONS

Food Stamp Manual (FSM) § 273.8(b) provides that the maximum allowable resources shall not exceed \$2,000 for a Food Stamp household. FSM § 273.8(c) defines countable resources to include "...land...and any other property not specifically excluded under paragraph (e) of this section." FSM §§ 273.8(e)(1) and (4) exclude property used as a residence or to

produce income. As noted above, the land in question is not used for either of these purposes.

FSM § 273.8(e)(8) excludes: "Resources having a cash value which is not accessible to the household, such as but not limited to...real property which the household is making a good faith effort to sell at a reasonable price and which has not been sold..." As noted above, the petitioner in this matter admits that he has never attempted to sell the property in question, and he has produced no support whatsoever for his contention that he is legally constrained from selling the property. The only evidence submitted regarding the value of the property is the petitioner's representation that it is appraised by the town at \$19,000.

Although the lack of road access may significantly reduce the value of the property, there is no evidence or indication that a 60-acre parcel of land would not have a market value of at least \$2,000.<sup>1</sup> Therefore, the Department's decision that the petitioner is over the resource maximum for Food stamps must be affirmed.

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<sup>1</sup> If and when the petitioner decides to put the land up for sale and takes reasonable steps to do so he is free to reapply for Food Stamps.